

MINUTES, REGULAR MEETING
CITY COUNCIL, CITY OF LA CRESCENT, MINNESOTA
OCTOBER 13, 2014

Pursuant to due call and notice thereof, the first meeting of the City Council of the City of La Crescent for the month of October was called to order by Mayor Mike Poellinger at 5:30 PM in the La Crescent City Hall, La Crescent, Minnesota, on Monday, October 13, 2014, followed by the Pledge of Allegiance.

Upon a roll call taken and tallied by the City Administrator, the following members were present: Members Bernie Buehler, Greg Husmann, Dale Williams and Mayor Mike Poellinger. Members absent: None. Also present was City Administrator Bill Waller and City Attorney Skip Wieser.

Mayor Poellinger asked if anyone wished to take action to change the agenda as presented. There were no changes requested.

ITEM 1 – CONSENT AGENDA

At this time, the Mayor read the following items to be considered as part of the Consent Agenda for this regular meeting:

- 1.1 MINUTES – SEPTEMBER 22, 2014
- 1.2 MINUTES – OCTOBER 6, 2014
- 1.3 BILLS PAYABLE THROUGH OCTOBER 9, 2014

At the conclusion of the reading of the Consent Agenda, Mayor Poellinger asked if the Council wished to have any of the items removed from the Consent Agenda for further discussion. Member Buehler made a motion, seconded by Member Husmann, as follows:

A MOTION TO APPROVE THE CONSENT AGENDA AS PRESENTED

Upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

ITEM 3.0 – SWEARING IN POLICE OFFICERS – CHIEF

Mayor Poellinger conducted the official swearing in of Douglas John Stavenau as Chief of Police for the City of La Crescent Police Department. No action taken.

Doug Stavenau, Chief of the La Crescent Police Department, conducted the official swearing in of Travis Donald Lapham and Cody Neil Bellock as Officers for the City of La Crescent Police Department. No action taken.

ITEM 2.0 – PUBLIC HEARING – ANNEXATION

At 5:35 PM the City Council held a public hearing to consider input on the proposed annexation of two properties that are completely surrounded by the City limits and the adoption of Ordinance No. 488 annexing these properties. City Attorney Wieser reviewed the maps and findings for the Ordinance. Mayor Poellinger opened the meeting for public comment. The following residents made public comments: Carol Kuphal; Charlotte Sperbeck; Mike Havlik; and Karen Thingvold. Following further discussion, Member Husmann introduced the following Ordinance, and moved its passage and adoption:

ORDINANCE NO. 488

AN ORDINANCE OF THE CITY OF LA CRESCENT, MINNESOTA ANNEXING LAND LOCATED IN LA CRESCENT TOWNSHIP, HOUSTON COUNTY, MINNESOTA PURSUANT TO MINNESOTA STATUTES § 414.033 SUBDIVISION 2(2), PERMITTING ANNEXATION BY ORDINANCE

WHEREAS, said property is unincorporated and is completely surrounded by land within the municipal limits of the City of La Crescent;

WHEREAS, said property is urban or suburban in nature;

WHEREAS, the City of La Crescent held a public hearing pursuant to Minnesota Statutes § 414.033 Subd. 2b, on October 13, 2014, following thirty (30) days written notice by certified mail to the Town of La Crescent and to all landowners within and contiguous to the area legally described in attached Exhibit A, to be annexed; and

WHEREAS, provisions of Minnesota Statutes § 414.033 Subd. 13 are not applicable in that there will be no change in the electric utility service provider resulting from the annexation of the territory to the municipality.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LA CRESCENT HEREBY ORDAINS AS FOLLOWS:

1. The City Council hereby determines that the property as hereinafter described is completely surrounded by the city limits and is urban or suburban in nature.
2. None of the property is now included within the limits of any city, or in any area that has already been designated for orderly annexation pursuant to Minnesota Statute § 414.0325.
3. The corporate limits of the City of La Crescent, Minnesota, are hereby extended to include the following described property, said land being completely surrounded by the municipal limits of the City of La Crescent. The land to be annexed is described on Exhibit A.

The described property on Exhibit A consists of a total of 1.45 acres, more or less. Copies of the corporate boundary map showing the property to be annexed and its relationship to the corporate boundaries and all appropriate plat maps are attached hereto as Exhibit B.

4. The City of La Crescent, pursuant to Minnesota Statutes § 414.036, that with respect to the property taxes payable on the area legally described on attached Exhibit A, hereby annexed, shall make a cash payment to the Town of La Crescent in accordance with the following schedule:

- a. In the first year following the year in which the City of La Crescent could first levy on the annexed area, an amount equal to \$1,187.19; and
- b. In the second and final year, an amount equal to \$1,187.19.

5. That pursuant to Minnesota Statutes § 414.036 with respect to any special assessments assigned by the Town to the annexed property and any portion of debt incurred by the Town prior to the annexation and attributable to the property to be annexed, but for which no special assessments are outstanding, for the area legally described on attached Exhibit A there are no special assessments or debt incurred by the Town on the subject are for which reimbursement is required.

6. That the City Administrator of the City of La Crescent is hereby authorized and directed to file a copy of this Ordinance with the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings, the Minnesota Secretary of State, the Houston County Auditor, and the La Crescent Township Clerk.

7. That this Ordinance shall be in full force and effect and final upon the date this Ordinance is approved by the Office of Administrative Hearings.

PASSED AND ADOPTED by the City Council of the City of La Crescent, Minnesota, this 13th day of October, 2014.

Mayor

ATTEST:

City Administrator

In approving the above Motion, the City Council made the following findings of facts:

1. The properties contained in the Ordinance are completely surrounded by the City limits and are about to become urban or suburban in nature;
2. The properties are currently not within a flood plain or shoreline area;
3. More than 30 days written notice was provided to the Town of La Crescent and contiguous landowners; and

4. Minnesota Statute §414.033 Subd. 13 is not applicable as there will be no change in the electric utilities service provider.

The foregoing motion was duly seconded by Member Williams and upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The ordinance was declared duly passed and adopted.

Later in the meeting, City Attorney Wieser reviewed with Council the Summary Ordinance for publication. The Council made the following findings of facts: that publication of the summary informs the public of the intent and effect of the Ordinance.

Member Buehler then made a motion, seconded by Member Williams as follows:

MOTION THAT A PRÉCIS FORMAT OF SAID ORDINANCE 488 BE PUBLISHED IN THE OFFICIAL NEWSPAPER OF THE CITY AND WITH “OFFICIAL COPY” SO MARKED BE KEPT ON FILE IN THE OFFICE OF THE CITY ADMINISTRATOR

Upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

After the adoption of the Ordinance, the Council reconvened with the schedule of the Regular City Council Meeting.

ITEM 3.1 – CITY COUNCIL MEMBER RESIGNATION

City Council reviewed John Graf’s retirement letter from the City Council. It was recommended to Council to accept the resignation. There is two year term on the November 4th ballot to fill the unexpired portion of Mr. Graf’s term. It was also recommended that the City Council meet with four members for the October 27th City Council meeting and at the November 10th City Council meeting the City Council could appoint the winner in the election to fill the balance of the term for 2014. Following discussion, Member Husmann made a motion, seconded by Member Williams, as follows:

MOTION TO ACCEPT THE RESIGNATION OF CITY COUNCIL MEMBER JOHN GRAF FROM THE LA CRESCENT CITY COUNCIL EFFECTIVE SEPTEMBER 30, 2014.

Upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

ITEM 3.2 – SHERIFF ELY – LEGT REVIEW

Houston County Sheriff Ely gave an overview to City Council of the LEGT software and its benefits. Sheriff Ely also thanked the City for supporting the software. No action taken.

ITEM 3.3 – ABNET FIELD LEASE

City Attorney Wieser reviewed with City Council the proposed Lease Addendum prepared by the La Crescent-Hokah Independent School District regarding the Community Ice Arena and Abnet Field. The School District is willing to extend the term of the Lease from 2024 to 2034 with the City having an additional ten (10) year option to 2044. However, it should be noted that the School District is requesting that if any portion of the property needs to be utilized for “educational purposes,” we will agree in advance to modify the Lease, specifically, Sections 8 and 14 of the Lease Agreement. We would further agree in advance that there be no additional consideration for the future amendment. The term “education purposes” is not defined. City Attorney Wieser also reviewed Sections 8 and 14 of the Lease Agreement with Council. City Attorney recommended the Lease be modified regarding the School District’s ability to terminate the Lease without notice and require a one year notice before the 2nd 10 year extension. Following discussion, Member Husmann made a motion, seconded by Member Buehler, as follows:

MOTION TO APPROVE THE LEASE ADDENDUM REGARDING THE COMMUNITY ICE ARENA AND ABNET FIELD CONTINGENT UPON THE CITY ATTORNEY’S APPROVAL OF MODIFICATIONS WITH THE SCHOOL DISTRICT REGARDING THE SCHOOL DISTRICT’S ABILITY TO TERMINATE THE LEASE WITHOUT NOTICE AND REQUIRE A ONE YEAR NOTICE BEFORE THE SECOND 10 YEAR EXTENSION IS EXERCISED.

Upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

ITEM 3.4 – INITIATE ANNEXATION PROCEEDINGS

City Attorney Wieser reviewed with City Council a Notice of Intent for Annexation for properties generally located on the North 4th Street area. The perimeter of this area is 60% or more surrounded by the City. It was

recommended to Council to initiate the annexation proceedings for this area. The process for this is similar to the one currently proceeding along County Highway 25. City Attorney Wieser also reviewed a Notice of Intent for Annexation for the boat landing property west of the south side of Shore Acres Road, and adjacent to the future Wagon Wheel project. This property abuts the City. Following discussion, Member Husmann made a motion, seconded by Member Williams, as follows:

MOTION TO APPROVE THE NOTICE OF INTENT FOR ANNEXATION FOR THE PROPERTIES DESCRIBED ABOVE AND TO AUTHORIZE THE CITY ADMINISTRATOR AND THE CITY ATTORNEY TO INITIATE THE ANNEXATION PROCEEDINGS, AND TO FURTHER AUTHORIZE THE MAYOR AND CITY ADMINISTRATOR TO SIGN ALL NECESSARY DOCUMENTS TO BEGIN THE ANNEXATION PROCESS.

Upon a roll call vote taken and tallied by the City Administrator, the following Members present voted in favor thereof, viz;

Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

with Member Bernie Buehler voting against the same. The motion was declared duly carried by a 3-1 vote.

ITEM 3.5 – ANNEXATION POLICY REGARDING CONNECTIONS

City Administrator Waller gave an overview to City Council regarding a policy regarding connecting to City Services for the properties that are currently included in the annexation proceedings initiated by the City. The policy states that connection to City services will not be required for a period of six (6) years. This time frame coincides with the provisions of the agreement regarding Crescent Valley. Connection to City services will only be required during that 6 year time frame if the property is sold, or it is apparent that the system is failing. Following discussion, Following discussion, Member Williams made a motion, seconded by Member Husmann, as follows:

MOTION TO APPROVE THE POLICY FOR PROPERTIES THAT ARE CURRENTLY INCLUDED IN THE ANNEXATION PROCEEDINGS INITIATED BY THE CITY OF LA CRESCENT THAT STATES: CONNECTION TO CITY SERVICES WILL NOT BE REQUIRED FOR A PERIOD OF SIX (6) YEARS AND CONNECTION TO CITY SERVICES WILL ONLY BE REQUIRED DURING THAT 6 YEAR TIME FRAME IF THE PROPERTY IS SOLD, OR IT IS APPARENT THAT THE SYSTEM IS FAILING.

Upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

ITEM 3.6 – ANNEXATION PETITIONS

City Attorney Wieser reviewed with City Council annexation petitions received from the property owners of 32 Crescent Avenue and 100 Kinder Road and also maps of these properties. It was recommended to City Council to accept the annexation petitions and authorize the City Attorney to prepare the required public notices. Following discussion, Member Buehler made a motion, seconded by Member Husmann, as follows:

MOTION TO ACCEPT THE ANNEXATION PETITIONS FROM THE PROPERTY OWNERS OF 32 CRESCENT AVENUE AND 100 KINDER ROAD AND AUTHORIZE THE CITY ATTORNEY TO PREPARE THE REQUIRED PUBLIC NOTICES

Upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

ITEM 3.7 – PERSONNEL COMMITTEE RECOMMENDATION

The Personnel Committee made the following recommendations to City Council:

1. That on October 16 Tammy Ferrier will be completing her probationary period as a vehicle license bureau clerk. It is recommended that Ms. Ferrier's probationary status be removed, and that she be classified as a regular city employee.
2. That the City Council authorize that two Sergeants positions be posted within the Police Department. One would be a day time position, and the other an evening position. The Personnel Committee will review the letters of interest received from internal candidates, conduct interviews, and present a recommendation to the City Council at a future meeting.
3. That the City Council authorize that the position of Assistant Fire Marshall be posted within the Fire Department. This is the vacancy that was created with the passing of Terry Niebeling.

Following discussion, the following Motions were made:

Member Husmann made a motion, seconded by Buehler, as follows:

MOTION TO APPROVE THE REMOVAL OF THE PROBATIONARY STATUS FROM TAMMY FERRIER AS VEHICLE LICENSE BUREAU CLERK AND THAT SHE BE CLASSIFIED AS A REGULAR CITY EMPLOYEE EFFECTIVE OCTOBER 16, 2014.

Upon a roll call vote taken and tallied by the City Administrator, the following Members voted in favor thereof, viz;

Bernie Buehler	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

Member Buehler made a motion, seconded by Member Williams, as follows:

MOTION TO AUTHORIZE THAT TWO SERGEANTS POSITIONS BE POSTED WITHIN THE POLICE DEPARTMENT, ONE FOR A DAY TIME POSITION, AND ONE FOR AN EVENING POSITION, WITH THE PERSONNEL COMMITTEE TO REVIEW THE LETTERS OF INTEREST RECEIVED FROM INTERNAL CANDIDATES, CONDUCT INTERVIEWS, AND PRESENT A RECOMMENDATION TO THE CITY COUNCIL AT A FUTURE MEETING.

Upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

Member Husmann made a motion, seconded by Member Buehler, as follows:

MOTION TO AUTHORIZE THAT THE POSITION OF ASSISTANT FIRE MARSHALL BE POSTED WITHIN THE FIRE DEPARTMENT THAT WAS CREATED WITH THE PASSING OF TERRY NIEBELING.

Upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

ITEM 3.8 – CHARTER – CONSENT TO TRANSFER CONTROL

City Attorney Wieser gave an overview to City Council regarding Charter Communications asking the City to consent to the transfer of control ownership of the cable television system within the City of La Crescent as a result of a corporate merger. This was explained in correspondence provided to the City from Charter Communications. This would need to be done by Resolution, which Council reviewed. Following discussion,

Member Buehler introduced the following resolution and moved its passage and adoption contingent upon compliance with the Franchise Agreement dated April 21, 2009:

RESOLUTION NO. 10-14-21

CONSENT TO TRANSFER OF CONTROL

WHEREAS, CC VIII Operating, LLC ("Franchisee") is the duly authorized holder of a franchise, as amended to date (the "Franchise"), authorizing Franchisee to serve the City of La Crescent, MN (the "Franchise Authority") and to operate and maintain a cable television system there; and

WHEREAS, on February 12, 2014, Comcast Corporation ("Comcast") and Time Warner Cable Inc. ("TWC") entered into an Agreement and Plan of Merger; and

WHEREAS, on April 25, 2014, Charter Communications, Inc. ("Charter") and Comcast entered into the Comcast/Charter Transactions Agreement, and contingent upon Comcast's consummation of its acquisition of TWC, Charter shall undertake a pro forma corporate restructuring pursuant to which Charter will merge with and into a wholly owned indirect subsidiary of Charter which will become "New Charter," which shall be come the ultimate parent of Franchisee ("Transaction"); and

WHEREAS, the ultimate control of Franchisee will not change as a result of this corporate restructuring, and the stockholders of Charter shall become the stockholders of New Charter; and

WHEREAS, Franchisee has filed an FCC Form 394 with the Franchise Authority; and

WHEREAS, the Franchise Authority has considered and consents to the Transaction.

NOW, THEREFORE, BE IT RESOLVED BY THE FRANCHISE AUTHORITY AS FOLLOWS:

The foregoing recitals are approved and incorporated herein by reference.

1. The Franchise Authority consents to the Transaction.
2. The Franchise Authority confirms that the Franchise is valid and outstanding and in full force and effect and there are no defaults under the Franchise. Subject to compliance with the terms of this Resolution, all action necessary to approve the transfer of control of the Franchisee to Charter has been duly and validly taken.
3. Charter, New Charter or the Franchisee may (a) assign or transfer its assets, including the Franchise, provided that such assignment or transfer is to an entity directly or indirectly controlling, controlled by or under common control with Charter or New Charter; (b) restructure debt or change the ownership interests among existing equity participants in Charter or New Charter; (c) pledge or grant a security interest to any lender(s) of Charter's or New Charter's assets, including, but not limited to, the Franchise, or of interest in Charter or New Charter, for purposes of securing any indebtedness; and (d) sell equity interests in Charter or New Charter or any of Charter's affiliates.
4. Upon closing of the Transaction, the Franchisee shall remain bound by the lawful terms and conditions of the Franchise Agreement dated April 21, 2009.

5. This Resolution shall be deemed effective upon adoption.

6. This Resolution shall have the force of a continuing agreement with Franchisee, and the Franchise Authority shall not amend or otherwise alter this Resolution without the consent of Franchisee and Charter or New Charter.

ADOPTED this 13th day of October, 2014.

SIGNED:

Mayor

ATTEST:

City Administrator

The foregoing motion was duly seconded by Member Husmann and upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried and the resolution duly passed and adopted.

ITEM 3.9 – GAS INSTALLER LICENSE APPLICATION

City Council reviewed a gas installer license application from Johnston Refrigeration. The application appears to be in order and it is recommended the City Council approve the issuance of a license. Following discussion, Member Buehler made a motion, seconded by Member Husmann, as follows:

MOTION TO APPROVE THE GAS INSTALLER LICENSE APPLICATION FROM JOHNSTON REFRIGERATION.

Upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
Gregg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

ITEM 5.1 – MAYOR’S COMMENTS – COULEE CONNECTIONS STUDY

Mayor Poellinger reviewed with City Council a correspondence from the Wisconsin Department of Transportation (WisDOT) regarding the Coulee Connections Study which addresses La Crosse’s growing transportation needs. Council also reviewed a Resolution adopted by the Town of Shelby showing support of moving forward with the project. It was recommended that City Council adopt a similar Resolution for the City of La Crescent. Following discussion, Member Husmann introduced the following resolution and moved its passage and adoption:

RESOLUTION NO. 10-14-22

**TOWN OF LA CRESCENT
COULEE CONNECTION STUDY**

WHEREAS, State of Wisconsin Department of Transportation had identified a need to make improvements to the North-South corridor in the La Crosse area; and

WHEREAS, the La Crosse Area Planning Commission (LAPC) has discussed improving the area’s transportation infrastructure; and

WHEREAS, the issue, referred to as the Coulee Connection Study, has been an issue for several decades; and

WHEREAS, traffic continues to bottle-neck in the Valley View Mall area, and all roads going north/south in the La Crosse/Onalaska area; and

WHEREAS, good traffic flow into and out of the Coulee Region is important, and the current infrastructure is not sufficient, resulting in long traffic delays; and

WHEREAS, the community needs good access to evacuate in case of a disaster; and

WHEREAS, the State of Wisconsin has designated \$140 million for improvements to the area; and

WHEREAS, the Wisconsin Department of Transportation has indicated that the project either goes forward or the money will be reassigned to other parts of the state;

NOW THEREFORE BE IT RESOLVED that the City Council of the City of La Crescent, Minnesota, hereby supports moving forward with a study for the project; and

BE IT FURTHER RESOLVED that the City Council of the City of La Crescent, Minnesota, supports moving forward with all improvements called for in the study.

ADOPTED this 13th day of October, 2014.

SIGNED:

Mayor

ATTEST:

City Administrator

The foregoing motion was duly seconded by Member Buehler and upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried and the resolution duly passed and adopted.

ITEM 8 – CHAMBER OF COMMERCE

Eileen Krenz from the Chamber of Commerce updated City Council on the candidate forum that will be conducted next Tuesday, October 21 and also the downtown business participation in Halloween Trick-or-Treating.

There being no further business to come before the Council at this time, Member Buehler made a motion, seconded by Member Williams, to adjourn the meeting. Upon a roll call vote taken and tallied by the City Administrator, all Members voted in favor thereof, viz;

Bernie Buehler	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried and the meeting duly adjourned at 6:33 PM.

APPROVAL DATE: _____

SIGNED:

Mayor

ATTEST:

City Administrator